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PATENT REPRESENTATION BEFORE THE
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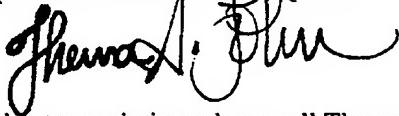
TO Examiner Kevin V. Quinto
Art Unit 2826
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FROM Theresa A. Lober
PAGES 3
including this
RE: Application No. : 10/612,174
Confirmation No.: 5221
Applicants: Reich et al.
Filed: July 2, 2003
Docket No.: MIT8806L

MESSAGE

Please deliver this correspondence to Examiner Quinto.
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Application No. 10/612,174
Response Dated April 20, 2005
Reply to Examiner's Action of January 27, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/612,174 Confirmation No.: 5221

Applicants: Robert K. Reich et al.

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Filed: July 2, 2003

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TC/A.U.: 2826

Examiner: K. Quinto

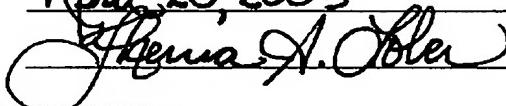
Docket No.: MIT8806L

For: High-Speed, High-Sensitivity
Charge-Coupled Device

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April 20, 2005


RESPONSE

This is in response to the Examiner's Action mailed January 27, 2005.
This response is made within the three month statutory period for reply.

Immediately upon receipt of the Examiner's Action, the undersigned Agent called the Examiner to discuss the Action and conduct a brief telephone interview. The Examiner is thanked for that discussion. The substance of the interview discussion is herein summarized.

The claims were rejected under 35 U.S.C. §102(e) as being anticipated by Reich et al., "High-Fill-Factor, Burst-Frame-Rate Charge-coupled Device," *International Electron Device Meeting and IEDM Technical Digest*, pp. 567-570, December 2001.

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35 U.S.C. §102(e) requires that a prior art reference cited against a patent application itself be an application for patent or be a previously granted patent. But the Reich reference cited by the Examiner is a journal publication, not an application for patent or a previously granted patent. The Applicants therefore respectfully submit that this claim rejection is improper.

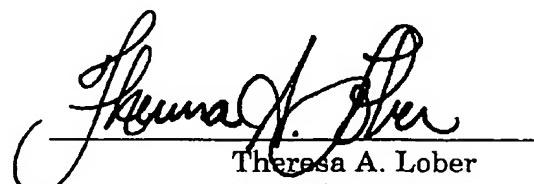
In the telephone interview, the Examiner agreed that the 35 U.S.C. §102(e) rejection of the claims was improper and indicated that he would issue a new Examiner's Action. The Applicants have not to date received a new Action and therefore request that the Examiner withdraw this rejection of the claims.

The undersigned Agent further noted in the telephone interview that on sheet 1 of the Applicants' Information Disclosure Statement, Item L was not initialed by the Examiner. Attached is sheet 1 of the IDS indicating the lack of initialing for Item L. The Examiner is requested to consider Item L and once considered, initial sheet 1 and provide a copy of the signed sheet 1 to the undersigned Agent.

If the Examiner has any questions or would like to discuss the instant application, he is encouraged to telephone the undersigned Agent at his convenience.

Respectfully submitted,

Date: April 20, 2005
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